

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DAVID GUDGEL

Plaintiff,

v.

DEL MAR COLLEGE

Defendant.

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C.A. No. _____

DEFENDANT'S NOTICE OF REMOVAL

Defendant Del Mar College files this Notice of Removal pursuant to 28 U.S.C. Sections 1331, 1441(a)-(c) and 1446(a) as follows:

Notice of Removal

1. On October 24, 2016, Plaintiff David Gudgel filed his Original Petition in state county court at law, which asserts discrimination and retaliation claims under Title IX, 34 C.F.R. § 106.31. Del Mar College was served with the Original Petition on November 8, 2016.

2. Because Plaintiff asserted claims arising under federal law in his Original Petition, Del Mar College removes this case on the basis of federal question jurisdiction pursuant to 28 U.S.C. Sections 1331, 1441(a)-(c) and 1446(a).

3. This Notice of Removal is timely filed within thirty (30) days of Del Mar College's receipt of Plaintiff's Original Petition in accordance with 28 U.S.C. Section 1446(b).

4. The following items are attached as exhibits to this Notice of Removal pursuant to Local Rule 81:

- i. An index of items filed with the Notice of Removal;
- ii. Copies of all pleadings that assert causes of action and all answers to such pleadings;
- iii. Copies of all orders signed by the state court judge;
- iv. Copies of all executed service of process in the case;
- v. A copy of the Case Summary from the County Court at Law No. 3 of Nueces County, Texas¹; and
- vi. A list of counsel of record, including the addresses, telephone numbers, and parties represented by the same.

Respectfully submitted,



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¹ A docket sheet does not yet exist for this case; therefore, in lieu of a docket sheet, Del Mar College has attached the Case Summary (provided by the Nueces County Clerk's Office) as Exhibit 5, which identifies all activities in the case to date.

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ATTORNEYS FOR DEL MAR COLLEGE

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2016, a true and correct copy of this document was served on all counsel of record as follows:

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Counsel for Defendant